

In a May 1997 complaint filed in the U.S. District Court, the National Parks Conservation Association (NPCA) challenged the validity of the Park Service's 1996 FONSI. The U.S. District Court upheld the decision made by the Park Service. Following an appeal, the U.S. Court of Appeals for the Ninth Circuit determined in February 2001 that the portion of the vessel management plan and EA and the implementing regulations that authorized an increase in vessels into Glacier Bay violated NEPA because an EIS was not prepared. The court prohibited vessel traffic above the pre-1996 levels unless an EIS was prepared. The court decision went into effect in late summer 2001. Following this decision, the U.S. Congress, as part of the U.S. Department of the Interior Appropriations Act of 2002 (section 130 of Public Law 107-63), changed the requirements established by the court decision and required the Park Service to: (1) prepare an EIS by January 1, 2004, to identify and analyze the possible effects of the 1996 increases; and (2) set the maximum level of vessel entries into Glacier Bay based on the analysis in the EIS. Until the Park Service sets the level of vessel entries based on the new EIS, Congress provided that the number of vessel entries into Glacier Bay would be the same as those in effect during the 2000 calendar year, and that the Park Service's 1996 decision and the final rule, issued in May 1996, were approved and would be in effect. In January 2002, the U.S. District Court modified the previous injunction.

ALTERNATIVES CONSIDERED

Six alternatives, including a no-action alternative, were considered in the FEIS; they are described below. Alternatives 1, 2, and 3 apply vessel quotas and operating requirements to Glacier Bay proper only; they include the operating requirements in current regulations. Alternatives 4, 5, and 6 apply vessel quotas and operating requirements to Glacier Bay proper and Dundas Bay, and include revised operating requirements.

Alternative 1, the no-action alternative, would maintain the current vessel quotas, quota season (June 1 through August 31), and operating requirements for Glacier Bay.

Alternative 2 would set vessel quotas for Glacier Bay in accordance with the quotas in place in 1995, maintain the current vessel quota season, and maintain current operating requirements.

Alternative 3 would maintain the current vessel quotas and quota season for Glacier Bay with one exception: it would include a provision to increase the number of cruise ships during the quota season to a maximum of 184, based on scientific and other information and applicable authorities. This alternative would maintain the current vessel operating requirements.

Alternative 4, the environmentally preferred alternative, would maintain the current daily quota for cruise ships and decrease the daily vessel quotas for tour, charter, and private vessels in Glacier Bay. Seasonal entry quotas would not apply. Seasonal-use day quotas would continue to apply. This alternative would decrease the number of seasonal-use days for cruise ships and tour and charter vessels and increase the number of seasonal-use days for private vessels in Glacier Bay. The quota season would be May 1 through September 30. Closures for cruise ships would be extended to include Beardslee Entrance and the East Arm (defined by line from southern Sebree Island to the mainland). Closures for tour vessels would be extended to include Fingers Bay, Berg Bay, Beardslee Entrance, and Muir Inlet (defined by line from Muir Point to the mainland).

Neither cruise ships nor tour vessels would be permitted in Dundas Bay year-round. Daily and seasonal-use day quotas would be initiated for charter vessels for Dundas Bay during a quota season from May 1 through September 30. No quotas would be set for private vessels.

Operating requirements would be modified.

Alternative 5 would maintain the current daily quotas and quota season for all four vessel types in Glacier Bay. Seasonal entry quotas would not apply. Seasonal-use day quotas would continue to apply. This alternative would maintain the current number of seasonal-use days for cruise ships, tour vessels, and charter vessels in Glacier Bay during a June 1 through August 31 quota season, but decrease the number of seasonal-use days for cruise ships during May and September. It would increase the number of seasonal-use days for private vessels during a June through August quota season. Closures for cruise ships and tour vessels would be extended to include Beardslee Entrance and the entrance to Adams Inlet in Glacier Bay.

Cruise ships would not be permitted in Dundas Bay, and tour vessels would not be permitted in the wilderness waters of Dundas Bay (the upper Bay) on a year-round basis. A daily and seasonal quota would be initiated for tour vessels in the non-wilderness waters of Dundas Bay (the lower Bay) and a seasonal quota would be set for charter vessels in Dundas Bay during a June 1 through August 31 quota season. No quotas would be set for private vessels in Dundas Bay.

Operating requirements would be modified.

Alternative 6, identified as the NPS preferred alternative in the FEIS, would maintain the daily quotas and quota season (June through August) for all four vessel types in the Glacier Bay. Seasonal entry quotas would not apply. Seasonal-use day quotas would continue to apply. This alternative would maintain the current number of seasonal-use days for cruise ships during the current quota season; however, it would include a provision to increase the number of cruise ships during the quota season to a maximum of two ships per day each day (to a maximum of 184 ships during the season), based on scientific and other information and applicable authorities. It would establish a seasonal-use day quota for cruise ships for May and September, with a provision to increase the number of cruise ships to a maximum of two per day each day, based on scientific and other information and applicable authorities. It would maintain the current number of seasonal-use days for tour and charter vessels and increase the number of seasonal-use days for private vessels during the current quota season. Closures for cruise ships and tour vessels would be extended to include Beardslee Entrance and the entrance to Adams Inlet in Glacier Bay.

Cruise ships would not be permitted in Dundas Bay, and tour vessels would not be permitted in the wilderness waters of Dundas Bay (the upper Bay) on a year-round basis. A daily and seasonal-use day quota would be initiated for tour vessels in the non-wilderness waters of Dundas Bay (the lower Bay) and a seasonal-use day quota would be set for charter vessels in Dundas Bay during a June 1 through August 31 quota season. No daily quota would be set for charter vessels. No quotas would be set for private vessels in Dundas Bay.

Alternative 6 was developed in response to public comment on the DEIS and additional NPS consideration. It combines elements of alternatives 3 and 5. This alternative is within the spectrum of the alternatives discussed in the DEIS. It does not present any vessel quotas or operating requirements not already analyzed in the DEIS. Alternative 6, with modifications, is the alternative that the NPS has selected. The NPS decision is described fully in the following section.